

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 5:11-cr-00038

HUGHIE ELBERT STOVER,

Defendant.

**MOTION TO CONTINUE TRIAL**

Comes now the Defendant, Hughie Elbert Stover, by counsel, and respectfully requests that this matter, now set for trial on April 25, 2011, be continued. In support of his Motion, Defendant states the following:

1. Defendant was indicted in this matter on February 25, 2011.
2. The two count Indictment [Dkt. No. 1] charges the defendant with making false statements to federal agents, in violation of 18 U.S.C. §1001 (Count I), and with concealment of documents in federal investigations, in violation of 18 U.S.C. §§ 2(b) and 1519 (Count II).
3. Defendant made his initial appearance upon his arrest on February 28, 2011, and was arraigned on March 15, 2011.
4. The Arraignment Order and Standard Discovery Requests [Dkt. No. 13], entered on March 15, 2011, scheduled the trial in this matter for April 25, 2011.
5. Moreover, the Order required the Government to provide to the Defendant the requested discovery no later than fourteen (14) days after March 15, 2011, or as otherwise agreed to by the parties or ordered by the Court.

6. Defendant represents that he has not yet received any of the Government's discovery responses in this case, but that the Government has represented that its initial disclosures will contain over 60,000 pages of documents, in addition to certain physical exhibits ( a laptop computer and voluminous surveillance tapes) which will be made available to counsel for review and examination at the Charleston, WV office of the Federal Bureau of Investigation. Furthermore, counsel for the Government has advised that there are no video recordings, audio recordings, or any other type of substantially verbatim record of the conversation or conversations among the defendant and the federal agents which form the basis for the allegations contained in Count I of the Indictment herein. Therefore, additional time will reasonably be required for the undersigned to attempt to arrange interviews with the agents described in Count I, in order to have the ability to analyze and defend that charge.

7. Finally, the Court ordered pretrial motions to be filed by March 29, 2011, and scheduled a pre-trial hearing before the Magistrate Judge on said motions for April 5, 2011.

8. As the deadlines in this case are presently set, even if Defendant receives the Government's discovery today, Defendant's discovery would not be due to be turned over to the Government until after April 5, 2011, which is the date of the pre-trial hearing and after the deadline for the filing of pre-trial motions.

9. Moreover, the trial of this matter would occur within four weeks of the defendant's receipt of the Government's discovery disclosures.

10. Most importantly, however, counsel for Defendant represents that additional time is necessary effectively to prepare for the trial of this matter, taking into account the exercise of due diligence, given the voluminous discovery to be reviewed, and pretrial issues to be developed in this matter.

11. Defendant respectfully requests that the trial of this matter be continued to October or November 2011 to give him and his counsel adequate time effectively to prepare for trial.

12. In tandem with that request, the defendant requests that the Court reschedule the pretrial motions deadline, witness disclosure deadline, deadline for submitting proposed *voir dire* questions and jury instructions, and the date of the pretrial motions hearing in this case to coincide with the new trial date requested.

13. Furthermore, Defendant believes that the ends of justice would be served in granting his request for a continuance, and that such action outweighs the best interest of the public and the defendant in a speedy trial as set forth in the Speedy Trial Act, 18 U.S.C. §3161 *et seq.* As shown on the attached Statement of Hughie Elbert Stover (see attached Exhibit A), Defendant personally and specifically waives his right to a speedy trial in support of this Motion to Continue Trial.

WHEREFORE, Defendant, by counsel, respectfully requests that the Court continue the trial, all pretrial filing deadlines, and the pretrial hearing in this case in order to allow him the reasonable time necessary effectively to prepare for trial.

Dated this 28th day of March, 2011.

STEPTOE & JOHNSON PLLC  
Of Counsel

/s/ William D. Wilmoth  
William D. Wilmoth, Esq. (WV Bar # 4075)  
1233 Main Street, Suite 3000  
P.O. Box 751  
Wheeling, WV 26003

***Counsel for Defendant,  
Hughie Elbert Stover***

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 5:11-cr-00038

HUGHIE ELBERT STOVER,

Defendant.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of March, 2011, I served the foregoing *Motion to Continue* upon all counsel of record, using the Court's CM/ECF filing system as follows:

R. Booth Goodwin, II  
United States Attorney  
Southern District of West Virginia  
300 Virginia Street, East, Room 4000  
Charleston, West Virginia 25301

Blaire L. Malkin  
Assistant United States Attorney  
Southern District of West Virginia  
300 Virginia Street, East, Room 4000  
Charleston, West Virginia 25301

Steven R. Ruby  
Assistant United States Attorney  
Southern District of West Virginia  
300 Virginia Street, East, Room 4000  
Charleston, West Virginia 25301

/s/ William D. Wilmoth